

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: )  
FRUHAUF ET AL. )  
Serial No. 10/775,728 ) Examiner: A. Taylor  
Filing Date: February 10, 2004 )  
Confirmation No. 1548 )  
For: SMART CARD THAT CAN BE ) Art Unit: 2876  
CONFIGURED FOR DEBUGGING AND )  
SOFTWARE DEVELOPMENT USING )  
SECONDARY COMMUNICATION PORT )

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER COPENDING PATENT APPLICATION

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Assignee, STMicroelectronics, Inc., having a mailing address of 1310 Electronics Drive, Carrollton, Texas 75006, verifies through its duly authorized representative that it is the owner of all right, title and interest in United States Patent Application Serial No. 10/775,728 (hereinafter "the '728 Patent Application") and has remained owner of all right, title and interest from the time of filing the original Assignment in the parent application to the present. The Assignment for Serial No. 10/388,067 (the parent application) was recorded on March 13, 2003, at Reel 013883, Frame 0322.

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Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the '728 Patent Application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of any patent granted on co-pending Patent Application Serial No. 10/388,067. Assignee hereby agrees that any patent so granted on the instant '728 Patent Application shall be enforceable only for and during such period that it and any patent so granted on the '067 Patent Application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the Grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 and §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior

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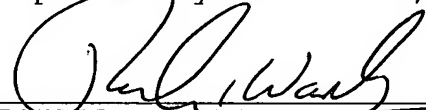
to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submission on behalf of Assignee, the undersigned is the attorney of record.

The Commissioner is hereby authorized to charge the terminal disclaimer fee in the amount of **\$130.00** to the credit card noted in the attached credit card payment form. If any additional fee is required, charge Deposit Account No.

**01-0484.**

Respectfully submitted,

  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450**, on this 21<sup>st</sup> day of December, 2004.

  
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